

# COMPREHENSIVE COMMUNITY CORRECTIONS ACT AND PRETRIAL SERVICES ACT REPORT

July 1, 2011–June 30, 2012



Prepared December 2012



**VIRGINIA DEPARTMENT OF CRIMINAL JUSTICE SERVICES**  
1100 Bank Street, Richmond, VA 23219  
[www.dcjs.virginia.gov](http://www.dcjs.virginia.gov)

# Report on The Comprehensive Community Corrections Act for Local-Responsible Offenders and Pretrial Services Act

**July 1, 2011 – June 30, 2012**

*Prepared December 2012*

The purpose of this report is to keep stakeholders informed about the activities of local probation and pretrial services agencies established pursuant to the Comprehensive Community Corrections Act for Local-Responsible Offenders (CCCA) and the Pretrial Services Act (PSA), and developments affecting their work.



Prepared by

**Virginia Department of Criminal Justice Services**

**Garth Wheeler, Director**



## FY2012 LOCAL COMMUNITY-BASED PROBATION AND PRETRIAL SERVICES

Local community-based probation agencies were created in 1995 by the Comprehensive Community Corrections Act (CCCA, §9.1-173 COV). They were created to provide an alternative to incarceration for persons convicted of certain misdemeanors or non-violent felonies for which sentences would be 12 months or less in a local or regional jail. Local probation agencies give courts the option of assuring that these types of offenders are held accountable without resorting to the use of institutional custody or over-supervision of offenders that do not need supervised probation. Research has shown that over-supervising low risk offenders can lead to higher recidivism rates.<sup>1</sup> There are now 37 local probation agencies operating in Virginia, serving 128 of 134 localities.

Pretrial services were first created in Virginia in 1989, pursuant to authorizing language in the Appropriations Act. In 1995, Pretrial services were authorized by statute with the passage of the Pretrial Services Act (PSA, § 19.2-152.2 COV). Pretrial services agencies provide information and investigative services to judicial officers (judges and magistrates) to help them decide whether persons charged with certain offenses and awaiting trial need to be held in jail or can be released to their communities. In the latter case, the agencies provide supervision and services to defendants if ordered by judicial officers. There are currently 29 pretrial services agencies in Virginia serving 85 of 134 localities.

Local community-based probation caseloads remained steady while pretrial services caseloads increased during FY2012. With a decline in the rates of many crimes in Virginia, the sustained caseload can be attributed to continued and consistent use of these services by judges and magistrates as well as longer periods of supervision. In addition, agencies continue to experience increasing workloads with additional duties and responsibilities beyond only supervision of offenders and defendants (drug testing, monitoring offenders, DNA testing responsibilities, and other expectations of the courts).

The General Assembly appropriated \$23.4 million for FY 2012 operations under the CCCA and PSA. Many local agencies saw reductions in funding at the local level to cover the mandatory reduction in state aid to localities.

However, many local governments provide matching funds or in-kind resources to support these agencies, recognizing, along with members of the judiciary, the important role that pretrial services and local community-based probation play in ensuring public safety. In addition, 28 of the 37 local probation agencies, over 75% collect supervision/intervention fees to augment their operations. Unfortunately, even with fees, many local agencies still experience difficulty meeting increased workload and system demands, especially with the local reduction in state aid implemented by the state starting in FY2009 and continuing through FY2012. The average daily caseloads (ADC) of most agencies significantly exceeded the minimum staff-to-defendant/offender ratio established by DCJS of 1:40 for pretrial supervision and the case management ratio of 1:60 for local probation supervision. Several local probation agencies continue to carry active supervision caseloads that exceed a ratio of 100 offenders on probation supervision for each probation officer.<sup>2</sup> Even with agencies adopting evidence-based practices and administrative supervision, workloads in many local agencies continue to be excessive.

Because costs have increased and workloads and caseloads have remained high, some agencies have had to reduce staffing, limit drug testing, cut back on offender services, reduce needed staff training and choose other strategies to cope with limited funding in the face of increasing costs. In spite of these continuing pressures, the directors and staff of these local agencies continue to maintain highly professional services and are committed to providing for public safety in their communities.

---

<sup>1</sup> Lowenkamp, Christopher T., and Edward J. Latessa. 2004. "Understanding the Risk Principle: How and Why Correctional Interventions Can Harm Low Risk Offenders." Topics in Community Corrections. Washington, DC: National Institute of Corrections.

<sup>2</sup> Ratios are based on active supervision cases only. Inactive and monitoring cases, which also consume agency resources, are not included in the calculations of active cases. The minimum ratio is a staffing benchmark set by DCJS for state funding.

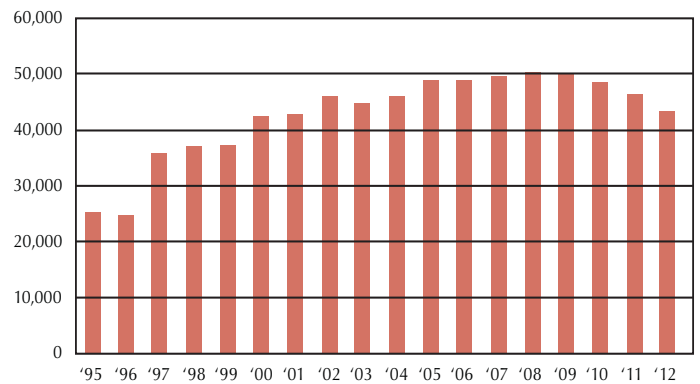


## PRETRIAL SERVICES

The primary role of pretrial services agencies in Virginia is to provide information to judicial officers to assist with bail decisions and to monitor conditions of bail and provide supervision services to defendants. Pretrial services agencies also provide judicial officers with alternatives to detention by identifying detained defendants that can be safely released to the community. There are currently 29 pretrial services agencies in Virginia, providing services in 85 of the 134 localities in the Commonwealth. During FY2012, pretrial services were expanded to New Kent and Charles City Counties. Many of the rural pretrial services agencies serve multiple jurisdictions, which provide a cost effective way to provide services to large geographic areas of the state. The expansion of pretrial services in New Kent and Charles City occurred by leveraging existing resources provided by pretrial agencies in those areas. Additional pretrial agency expansion is expected to occur during the next fiscal year. Through a Byrne Justice Assistance Grant (Byrne JAG), Westmoreland County was awarded a startup grant to begin the implementation of pretrial services in the four localities served by the Northern Neck Regional Jail<sup>3</sup>. In 2012, the General Assembly appropriated funds for pretrial services expansion for the localities served by the Southwest Regional Jail<sup>4</sup> and the Central Virginia Regional Jail<sup>5</sup>. Pretrial implementation in these areas is expected to begin by the end of fiscal year 2013. All localities not funded for pretrial services continue to express interest in implementing a program. Pretrial services for thirty additional localities are included in the community plans developed as a result of new jail construction or expansion<sup>6</sup>, but due to the lack of additional appropriations, they have not been funded. Of those 30 localities, 10 are scheduled to begin services in FY2013.

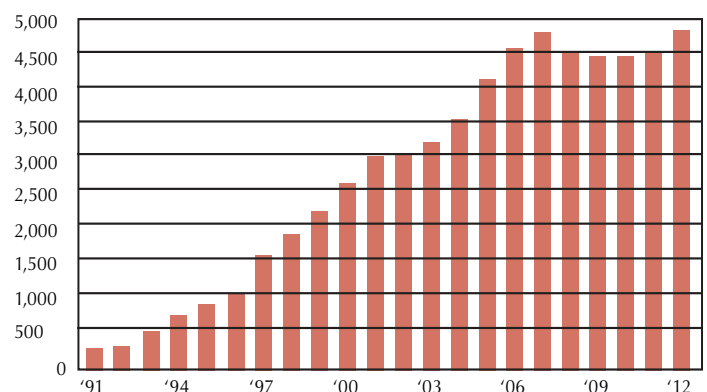
One of the services provided by pretrial services agencies is pretrial investigations<sup>7</sup>. In FY2012, there were 43,444 pretrial investigations conducted, a decrease from FY2011 when 46,324 investigations were conducted<sup>8</sup>.

## PRETRIAL SERVICES INVESTIGATIONS



Pretrial services agencies appear to have an impact on local jail populations. Overall, jails in the Commonwealth experienced an increase in average daily population (ADP) during FY2012.<sup>9</sup> The ADP in jails not served by pretrial agencies went up by 7.3%; however, jails served by pretrial agencies only went up by 0.6%. Jail commitments in the Commonwealth remained steady in FY2012. In jails that were not served by pretrial services, commitments increased; however, commitments decreased in jails served by pretrial services agencies.

The statewide average daily caseload<sup>10</sup> (ADC) of pretrial services agencies was slightly higher in FY2012 compared to FY2011. Supervised pretrial release continues to be an ongoing tool to assist localities in managing their jail populations. This is achieved by assessing risk and providing the judiciary with a viable alternative to jail by identifying defendants that may be safely supervised in the community and leaving jail beds available for the highest risk defendants.



<sup>3</sup> The localities that participate in the Northern Neck Regional Jail include Lancaster, Northumberland, Richmond, and Westmoreland Counties.

<sup>4</sup> The localities that participate in the Southwest Virginia Regional Jail include, Buchanan, Dickenson, Lee, Russell, Scott, Smyth, Tazewell, Washington and Wise Counties and the City of Norton.

<sup>5</sup> The localities that participate in the Central Virginia Regional Jail include the Counties of Fluvanna, Greene, Louisa, Madison, and Orange.

<sup>6</sup> The Code of Virginia under § 53.1-82.1 requires the development and implementation of pretrial services for all jail construction projects approved by the Board of Corrections.

<sup>7</sup> A pretrial investigation is a report that includes a face-to-face interview with the defendant, full criminal history, verification with community contacts, Virginia Pretrial Risk Assessment Instrument (VPRAI), and a bond recommendation.

<sup>8</sup> Data are from automated Pretrial Services Monthly Reports submitted to DCJS.

<sup>9</sup> Data extracted from the Local Inmate Data System (LIDS) and provided by the Compensation Board.

<sup>10</sup> Average Daily Caseload is the average number of supervised defendants during FY2012.



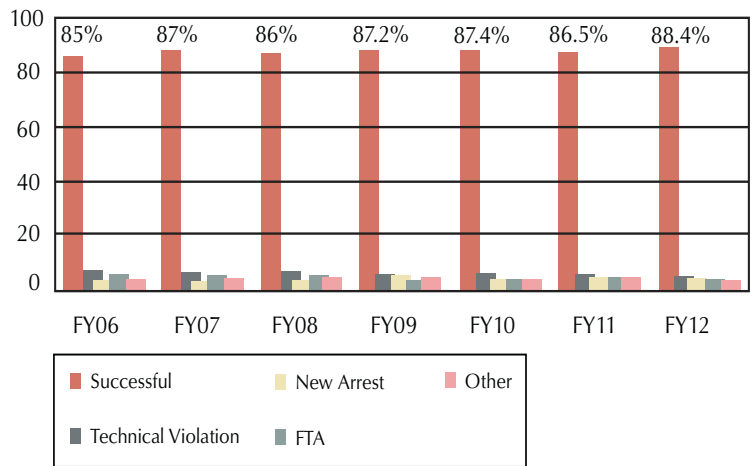
## PRETRIAL SERVICES AVERAGE DAILY CASELOAD

Placements on pretrial supervision increased in FY2012 compared to FY2011, from 17,561 to 18,919. During FY2012, 40.5% of defendants charged with misdemeanors and 57.9% of those charged with felonies had to meet a condition of a secure bond before being released to pretrial supervision, an increase from FY2011 and a growing trend from previous years. While combining secure bond with pretrial supervision is permitted by statute, the intent of pretrial supervision is to provide judicial officers with a non-financial pretrial release option as an alternative to jail. Combining a secure bond and supervision can delay a the defendant’s release from jail.

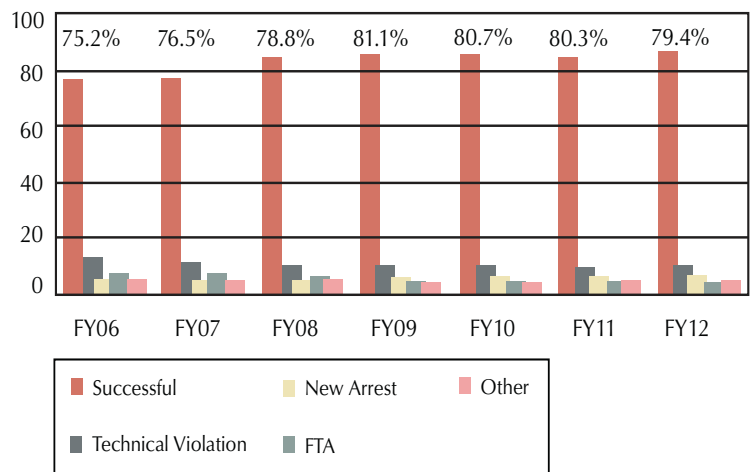
A recent study in Virginia found that defendants released on pretrial supervision with non-financial conditions had higher appearance rates and lower rearrest rates when compared to defendants released to pretrial supervision with a secure bond.<sup>11</sup> Increasing the number of defendants released to pretrial supervision on non-financial conditions will reduce the average length of stay at local jails, thereby providing some jail crowding relief or a reduction in operational expenses, such as medical costs, while maintaining public safety and the integrity of the judicial process.

Defendants placed on pretrial supervision have high appearance, public safety and compliance rates. Success for pretrial supervision is defined as successfully appearing for court as required, not getting arrested for new crimes, and not violating any conditions of pretrial release. As the graphs show, the success rates for both misdemeanor and felony pretrial defendants have been very consistent over the years.

## MISDEMEANANT PRETRIAL CLOSURES (FY2006–FY2012)



## FELONY PRETRIAL CLOSURES (FY2006–FY2012)



Of the 8,163 misdemeanor placements closed during FY2012, over 88.4% were successful, up from FY2011. About 2.6% of the placements were closed due to a new arrest, down slightly compared to the previous year. The remaining closures were due to technical violations (3.4%), failure to appear (FTA) for court (3.5%), and other reasons (2.2%), all of which decreased slightly from FY2011. Of the 9,576 felony placements closed during FY2012, 79.4% were successful, slightly lower than in FY2011. About 4.7% of the felony placements were closed due to a new arrest, slightly higher than in FY2011. The remaining closures were due to technical violations (8.6%), FTA (3.4%), and other (3.3%).

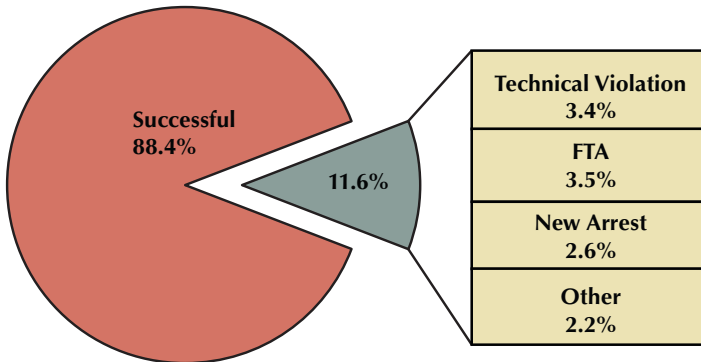
<sup>11</sup> VanNostrand, M., Rose, K. J., & Weibrecht, K. (2011). State of the Science of Pretrial Release Recommendations and Supervision, Pretrial Justice Institute.



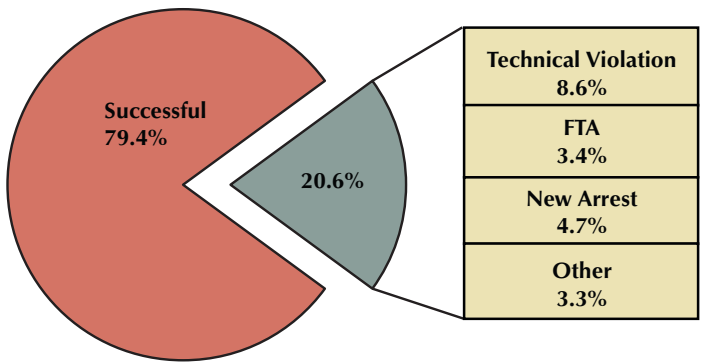


## PRETRIAL SERVICES CLOSURE TYPES<sup>12</sup>

### Pretrial Misdemeanant Placement Closures



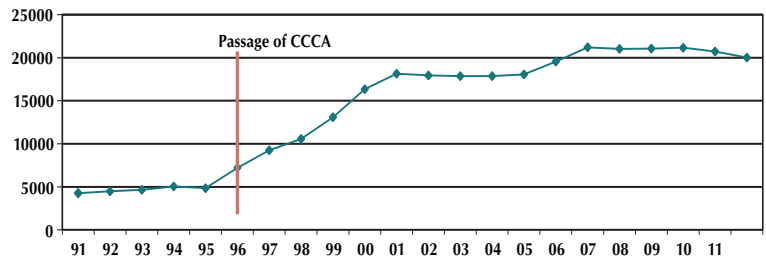
### Pretrial Felony Placement Closures



## LOCAL COMMUNITY-BASED PROBATION SUPERVISION

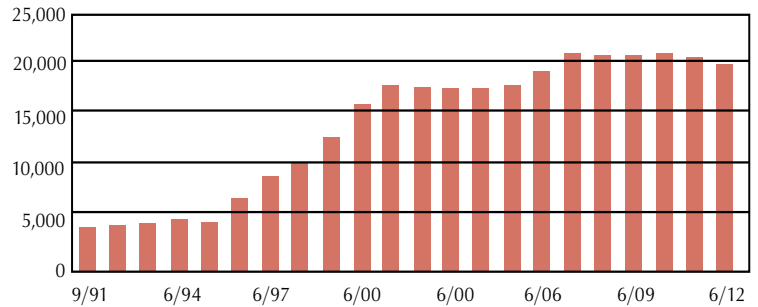
Since the establishment of the CCCA in 1995, the number of offenders supervised by local probation agencies has more than tripled. Caseloads at the end of the fiscal year have increased from 5,043 to 20,014. There are now 37 local probation agencies in operation, serving 128 of 134 localities. Four more localities are now mandated<sup>13</sup> to provide local probation services due to new regional jail building or expansions to existing jails; but without state funding for this purpose, the services will not be established.

## Community-Based Probation Caseloads (Point in Time)



The Average Daily Caseload (ADC) on local probation supervision decreased slightly over the previous year, from 20,880 in FY2011 to 20,154 in FY2012.

## Community-Based Probation Average Daily Caseloads (ADC)



In addition to offenders under active supervision, on average, 1,181 offenders per month were reported to be in a “monitoring only” status, a slight increase of over the previous year. Monitoring offenders is done as a courtesy to the court, as these offenders do not meet the criteria for supervision by local probation agencies and funding for monitoring is not provided by the state. “Monitoring only” cases include those offenders required to complete community service in lieu of paying fines and costs. These cases are not held to the same supervision criteria as active cases, nor are they included in caseload calculations. However “monitoring only” cases do require the use of staff resources. “Monitoring only” is a service provided as directed by court order; it is not statutorily required.

On average, there were 4,357 offenders per month reported in “inactive” status,<sup>14</sup> a slight increase from FY2011. While there are fewer responsibilities associated with inactive and monitoring cases when compared to active cases, they still require staff resources. However, neither monitoring nor inactive cases are included in determining minimum probation officer-to-offender ratios or eligibility for state funding.

<sup>12</sup> Other pretrial services closures not depicted include those closed as returned to sending jurisdictions. The number of these cases is considered to be too low to have any impact on overall closure calculations. Cases reinstated to supervision after a previous closure are not included in the calculations.

<sup>13</sup> The mandate to provide these services is found in the Code of Virginia under § 53.1-82.1 which requires a plan for development and implementation of local probation and pretrial services for all jail projects approved or pending approval. The four (4) localities are Amherst, Appomattox, Henry, and Martinsville. Franklin and Patrick Counties have elected not to participate in local probation or regional jails.

<sup>14</sup> The “inactive status” includes, but is not limited to, cases that are transferred out and reported active by another locality. These cases are not double counted as active or included in supervision day or average daily caseload calculations.



FY2012 statistics demonstrate continued judicial support for the CCCA based on the volume of placements and agency utilization while overall crime in Virginia continued to decrease. In FY2012, the courts placed 35,208 offenders on local probation supervision,<sup>15</sup> a slight decrease compared to the 36,511 offenders placed in FY2011.

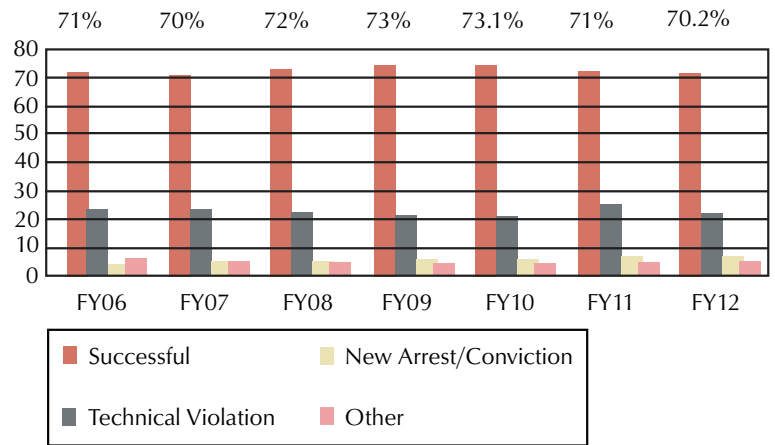
## COMMUNITY-BASED PROBATION COURT PLACEMENTS

Local community-based probation caseloads remained fairly steady during FY2012. With a decline in the rates of many crimes in Virginia, the sustained caseload can be attributed to continued and consistent use of these services by judges and magistrates as well as longer periods of supervision. In addition, agencies continue to experience increasing workloads with additional duties and responsibilities beyond only supervision of offenders and defendants (drug testing, monitoring offenders, DNA testing responsibilities, and other expectations of the courts).

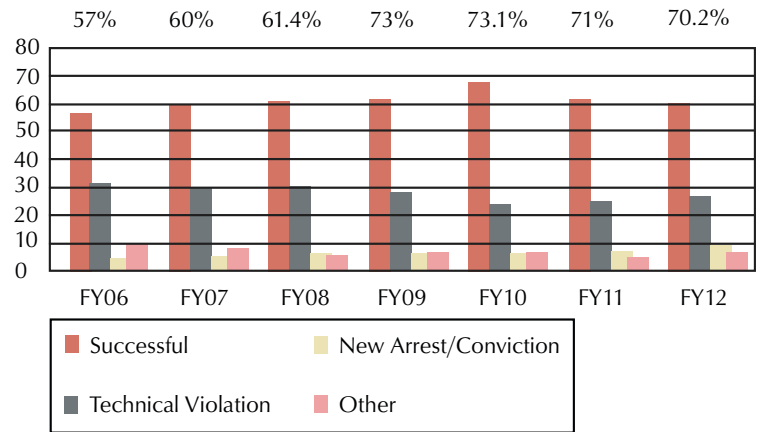
The average length of supervision (ALOS) for misdemeanants is 6.79 months, just above the recommended average of 6 months. However, the average length of time under supervision for felons remains within the DCJS recommendation of twelve (12) months, at 9.2 months.<sup>16</sup>

As the graphs to the right indicate, the local community-based probation agencies continue to demonstrate very good success rates with offender supervision. Successful case closure is defined as complying with all conditions of probation, including not committing any new crimes and completing court ordered conditions. As with pretrial services, failures under supervision are offender failures and should not necessarily be considered failures of the supervising agency. Defendants and offenders are held accountable for their own behavior while under supervision. Failure to comply with the conditions of supervision results in removal from supervision, as the behavior is considered indicative of a potential for new criminality (this accounts for the rate of failure due to technical violations).

### Misdemeanant Probation Closures



### Felony Probation Closures



Of the 31,745 total misdemeanor placements closed during FY2012, 70.2% were successful in completing all requirements of supervision. Of the 1,362 total felon placements closed, about 60.4% were successful. The most common “unsuccessful” closures for both misdemeanor and felon placements continue to be due to technical violations of supervision; 20.7% for misdemeanor and 26.4% for felons. Technical violations are violations of terms and conditions of supervision that are not considered law violations<sup>17</sup>. In FY2012, only 5.7% of the misdemeanants and 8.6% of the felon placements were closed due to an arrest or conviction for a new offense. Closures for “other” reasons were 3.4% for misdemeanants and 4.6% for felons.

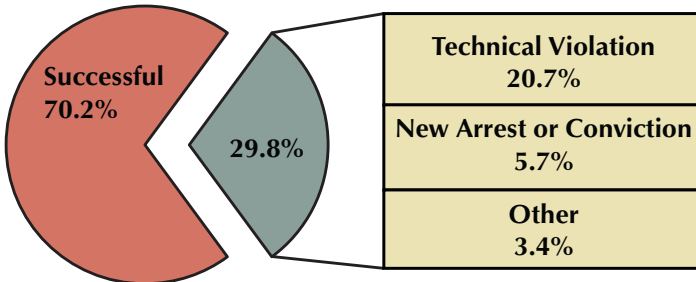
<sup>15</sup> This is the actual number of offenders placed under supervision, not the total court placement events which was 36,920 in FY2011 (41,835 in FY2010).

<sup>16</sup> The increase in the average length of supervision for misdemeanants may be due to the increase in domestic violence cases being placed on probation for longer periods, longer treatment requirements associated with those cases, waiting lists for treatment and increases in mandatory community service time. All of these have resulted in longer periods on supervision and resulted in higher workloads.

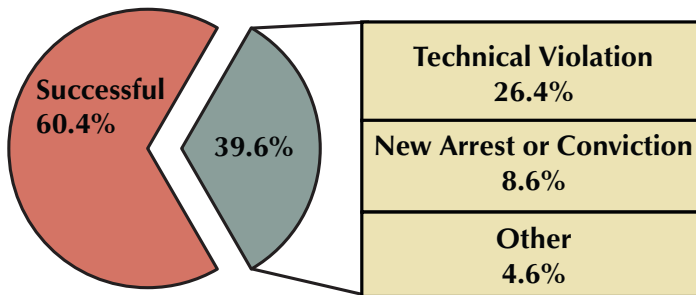


## LOCAL COMMUNITY-BASED PROBATION CLOSURE TYPES<sup>18</sup>

### Probation Misdemeanant Placement Closures



### Probation Felony Placement Closures



Local community-based probation agencies also tested offenders for substance use and placed offenders in a variety of substance abuse treatment programs and other types of programs and services throughout the year. Substance abuse services utilized included short-term detoxification, outpatient treatment, education, and other substance abuse counseling programs. Figures reported for FY2012 indicate that offenders were placed, ordered, assigned or sent for the following interventions or services:

13,380	Community service work
11,626	Drug tested (does not include multiple tests)
4,519	Screened for substance abuse problems
3,773	Substance abuse education
3,458	Assessed or evaluated for substance abuse problems
3,100	Anger management counseling
2,645	Substance abuse counseling
2,413	Domestic violence counseling
1,991	Shoplifting prevention sessions
1,456	Assessed for domestic violence issues
1,413	Tested for alcohol use
802	Participated in Victim Impact Panels or conflict resolution
608	Screened or evaluated for mental health issues
600	Attended financial responsibility sessions
543	Attended mental health counseling
486	Screened, assessed, or evaluated for alcohol abuse
430	Sent to parenting or fatherhood classes
330	Sent for alcohol treatment
192	Attended AA or NA meetings or both
177	Cognitive skill building
108	Attended marriage or family counseling
104	Employment counseling or training
86	Sex offender treatment
83	Long term inpatient treatment
70	General counseling
62	Sex education classes
35	Obtained their GED or attended school
28	Alcohol safety action program
23	Attended driver improvement courses
25	Short term detoxification
15	Electronic monitoring
15	Attended life skill courses
1	Home detention
102	Other service or program

<sup>17</sup> Technical violations may include failure to attend mandated programs, failure to report as instructed or failing alcohol testing or other intractable behaviors not considered a violation of law.

<sup>18</sup> Community Corrections closures are based on those closed successfully, due to a technical violation, due to a new arrest or conviction, and for "other" reasons. Cases closed that are returned to sending jurisdictions are not included with "other" closures and are only counted once in the originating jurisdiction. However, cases reinstated to supervision after a previous closure have not been removed. Therefore, closures due to technical violations and other reasons may be somewhat over reported.





All agencies placed offenders at public or non-profit work sites to complete community service. For FY2012, offenders performed 523,479 hours of community service work in Virginia. At the minimum wage of \$7.25 per hour, this translates into just over \$3.8 million worth of community service work. However, this is likely to be a conservative figure, as local governments would pay more than the minimum wage for some of the types of community services provided by the offenders. In addition to their required duties and responsibilities, many local probation agencies also assist the courts and Commonwealth's Attorneys by facilitating payments of fines, costs, and restitution owed by the offenders under their supervision. In FY2012, agencies facilitated just over \$2.1 million in restitution payments and \$1.22 million in fines and costs. In total, local probation agencies accounted for over \$7.1 million in services and payments to communities.<sup>19</sup> This translates to a 32% return on the investment by the state (\$7.1 M / \$21.9 M awarded).

## LEGISLATIVE ACTIVITY

### Legislation

There were a few statutory changes affecting local community-based probation and pretrial services agencies that became effective in FY2012. The Code of Virginia was amended as follows:

§§ 18.2-270.1 and 18.2-271.1 amended to require a DUI interlock system to be installed on each motor vehicle for persons convicted under § 18.2-51.4, a second or subsequent offense of § 18.2-266 or a substantially similar ordinance of any county, city, or town, or as a condition of license restoration pursuant to subsection C of § 18.2-271.1 or § 46.2-391. The Code now prohibits an ignition interlock system from being installed on any motor vehicle owned or operated by a person convicted of DUI until a court issues to the person a restricted license with the ignition interlock restriction.

§§ 18.2-248.1:1 and 54.1-3446 amended provisions added to the Code last year regarding the criminalization of synthetic cannabinoids and chemicals known as "bath salts" to add newly identified chemical combinations. The bill added a more generic chemical description of synthetic cannabinoids so that new chemical compounds will nevertheless be considered synthetic cannabinoids without the precise chemical compound having to be added to the Code.

§ 16.1-269.1 was amended by expanding the list of offenses for which a preliminary hearing must be held for juveniles to determine if there is probable cause to transfer the case to circuit court for trial of the juvenile as an adult. The additional offenses include manufacture or distribution of a controlled substance, methamphetamine, or anabolic steroids, if previously convicted two or more times of such offense. Juveniles transferred under this Code section, upon conviction in Circuit Court, may appropriately be sentenced to local probation supervision.

§ 16.1-247 was amended to authorize an adult who is taken into custody pursuant to a warrant or detention order alleging a delinquent act committed when the adult was a juvenile to be released by a magistrate on bail or recognizance pursuant to Chapter 9 (§ 19.2-119 et seq.) of Title 19.2.

§ 19.2-120 was amended to provide that a magistrate, clerk or deputy clerk may not admit to bail a person who is charged with an offense giving rise to a rebuttable presumption against bail unless an attorney for the Commonwealth concurs or the bail previously was set by a judge. A judge may set or admit such person to bail after notice and an opportunity to be heard has been provided to the attorney for the Commonwealth. This legislation should not have significant impact on local probation or pretrial agencies.

---

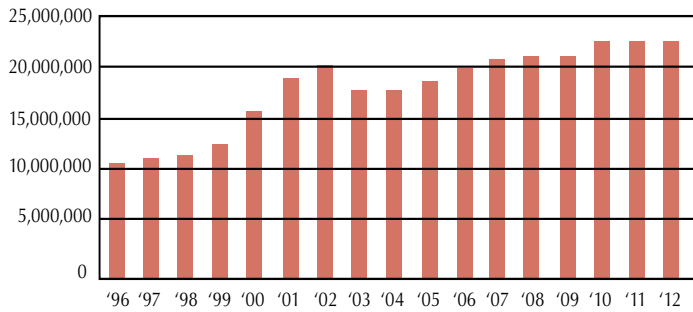
<sup>19</sup> Actual figures: \$3,795,223 of community service work, \$2,146,479 in restitution, \$1,221,544 in fines and costs, totaling \$7,163,245.



## Funding

The General Assembly appropriated \$23.4 million for FY 2012 operations under the CCCA and PSA.

### Comprehensive Community Corrections and Pretrial Services Act Appropriations History<sup>20</sup>



While caseloads have remained steady, increases in length of supervision (reflective of the treatment time required for substance abuse and domestic violence cases, increased requirements for community service, and longer probation sentences), and additional workload demands on the available supervision time of local agency staff (screening and assessment work; training on issues of substance abuse, domestic violence, MIS use, and implementation of EBP), indicate that these agencies are utilized by the courts and needed in the localities. Some agencies still have active offender-to-staff ratios of over 100:1 and many agency caseloads continue to grow. Additional supervision capacity is necessary to ensure community safety and the continued effective operations of the agencies.

## EVIDENCE-BASED PRACTICES

Since 2005, Virginia has made great strides toward implementing an evidence-based framework in pretrial and local probation agencies that makes public safety the priority and relies on empirical evidence to guide decision-making. Possibly the greatest emerging issue in the field of criminal justice is safely managing probationers, parolees, and pretrial defendants in the community through the adoption of a Risk/Need/Responsivity (RNR) model for community criminal justice decisions and supervision. The RNR model provides a structure for criminal justice agencies to be efficient and cost-effective by targeting supervision and community resources to those individuals that represent the highest risk to public safety.

During FY2012, the Virginia local probation and pretrial agencies have continued their work in enhancing public safety through the integration of effective supervision strategies and services into routine practice in local criminal justice systems. One of the primary components of an evidence-based system is the use of objective risk assessment instruments. Virginia uses the Virginia Pretrial Risk Assessment Instrument (VPRAI) for pretrial and the Modified Offender Screening Tool (M-OST) and the Offender Screening Tool (OST) for probation assessments. The Department of Criminal Justice Services, in partnership with the Virginia Community Criminal Justice Association and other criminal justice stakeholders, recognize that criminal justice is a shared and collaborative responsibility. Because of this recognition, DCJS and local probation and pretrial agencies have continued efforts to reach out to communities and criminal justice stakeholder groups through education and collaboration to ensure an efficient and just local criminal justice system.

### Legal and Evidence-Based Practices for Pretrial Services

Virginia has led the nation in pretrial risk assessment research with the development and implementation of the Virginia Pretrial Risk Assessment Instrument (VPRAI). Known nationally as the Virginia Model, the VPRAI has been adopted and validated in numerous localities throughout the nation. The VPRAI predicts the likelihood that a defendant will appear in court and/or not be arrested for a crime committed during the period of pretrial release. It is the first multi-jurisdictional pretrial risk assessment in the country. Pretrial agencies complete the VPRAI and provide the assessment results to the judge to consider at the defendant's arraignment. All 29 pretrial agencies in Virginia use the VPRAI.

<sup>20</sup> The increase in appropriations for FY 2001-2002 was due to additional funding for SABRE which was NOT allowed to be used to build capacity – rather, it was intended to be used for screening and assessment of pretrial defendants and probationers and to increase Substance Abuse treatment services for probationers.

<sup>21</sup> Public safety is measured by the frequency with which defendants are not charged or arrested for a new criminal offense during the pretrial release period.



In FY2012, DCJS, in collaboration with VCCJA, received a grant from the Bureau of Justice Assistance (BJA) to evaluate strategies to more fully utilize the VPRAI, including ways to help guide how defendants are supervised in the community. The purpose of the project was to promote risk-based decision making during the pretrial stage and to implement risk-based supervision strategies to improve pretrial outcomes—appearance and public safety rates<sup>21</sup>—using the VPRAI. The method of accomplishing this was to design research-based guidelines to be used with the VPRAI to assist pretrial services staff with recommendations and to improve the outcomes of defendants placed on pretrial supervision. The project examined pretrial legal questions, existing national pretrial specific research, existing guidelines for pretrial release recommendations and differential supervision, and Virginia pretrial services research. This provided the foundation for developing a guideline for pretrial recommendations and the structure for differential pretrial supervision. A summary of the project is in the publication, “In Pursuit of Legal and Evidence-Based Pretrial Release Recommendations,” which can be found on the DCJS website.

Beginning in FY2013, DCJS, with the continued assistance from the BJA, will begin implementing the pretrial recommendation guidelines and differential supervision strategies. The implementation process includes a rigorous research design that includes dividing the pretrial agencies in Virginia into 4 groups, a control group and three different experimental implementation groups. The project will also include modifications to the statewide pretrial database and case management system to integrate risk assessment data with release recommendations and supervision levels, and provide data for a process and outcome evaluation.

### **Evidence-Based Local Probation Services**

The body of research supporting the use of evidence-based practices and a Risk/Need/Responsivity (RNR) model identifies core practices that produce observable improvements in the behaviors of those placed on probation supervision. The core principles suggest that criminal justice systems establish a foundation for assessing risk factors most directly and strongly related to criminal behavior: criminal history, pro-criminal thinking and attitudes, pro-criminal peer relationships, problematic family relationships, substance abuse, education and financial/vocational stability.

Programs operating with a foundation in risk are better able to determine what group of probationers would benefit the most from supervision services, and target specific services within that group to produce positive behavior changes.

To date, twenty (20) of Virginia’s local probation agencies have established program foundations for assessing risk for criminal re-offending (criminogenic risk factors) through the use of validated, actuarial risk and needs assessments: the Modified Offender Screening Tool (M-OST) and the Offender Screening Tool (OST). The M-OST and OST provide probation staff with reliable and concrete information related to criminogenic risk and needs for each offender. Through the assessment results, probation agencies are better able to develop supervision strategies and plans that are proven to reduce the likelihood that a probationer will reoffend while on supervision and after release from supervision. The targeting of supervision strategies to those probationers that represent the greatest risk for future criminal behavior helps the local criminal justice system and treatment agencies make the most responsible use of often scarce community resources.

While 20 local probation agencies are designated pilot sites, all 37 local probation agencies have been exposed to and/or implemented evidence-based programs and strategies in an effort to improve effectiveness and efficiency in the local criminal justice system. Strategies to integrate evidence into routine supervision practices include discussion with staff and stakeholders, training in effective communication skills, using technology to provide a wider range of education programs, specialized dockets and validated assessment tools to determine participation in domestic violence programs, and the delivery of cognitive-behaviorally based intervention programs by local agency staff.

From the risk and needs assessment automated data obtained during FY2012 from the pilot sites, DCJS is able to help local agencies and communities identify the risk levels of probationers receiving services, match probationers to an appropriate frequency and intensity of supervision, and determine appropriate community resources and interventions to reduce the risk of future criminal activity.





**M-OST Risk Level Distributions  
(Statewide Totals from 16 sites)**

Risk Level	Frequency	Percent
Low (0-2)	8,160	57%
Further Assessment (3-8)	6,157	43%
Total	14,317	100%

The M-OST is an initial screening tool used during the initial phase of local probation supervision that identifies those probationers that are considered low risk for reoffending. From the data collected during FY12, 14,317 M-OST assessments were completed, and approximately 57% of the probation population is considered low risk.

Any probationer scoring 0-2 on the M-OST is designated as low risk for reoffending, and probation agencies will develop supervision strategies that limit this group of probationers' involvement in the criminal justice system to that which is necessary to ensure public safety and completion of court requirements of probation supervision. Those probationers scoring 3-8 on the M-OST are designated as requiring further assessment utilizing the OST to determine an accurate risk level associated with future criminal behavior.

The OST is a reliable predictor both of risk and needs in the Virginia local probation population. From the group of probationers scoring 3-8 on the M-OST, 68% were subsequently assessed with the full risk and needs assessment. From that subgroup, the overall risk for reoffending is reflected in the following table.

**OST Risk Level Distributions  
(Statewide Totals from 16 sites)**

Risk Level	Frequency	Percent
Low (0-2)	887	21.2%
Medium (7-20)	3137	74.9%
High (21-44)	163	3.9%
Total	4,187	100%

In addition to the overall risk level for the local probation population, the OST assesses an offender's need for treatment or intervention that correlates to the strongest individual risk factors for reoffending. The probation officer uses both the risk levels and need scores to guide case planning and supervision strategies. The table below reflects the presence of needs among medium and high risk probationers.

**Presence of Need in Dynamic Factors  
for OST Medium and High Risk**

OST Domain*	Risk Factor(s) Measured	No Level of Need	Some Level of Need
Attitude**	Pro-criminal Cognition/Thinking Temperament	50%	50%
Family & Social Relationships**	Pro-criminal Peer Associations Family and Marital Relationships Leisure Activities	8%	92%
Alcohol Use	Substance Abuse	68%	32%
Drug Use	Substance Abuse	42%	58%
Education	Education	46%	54%
Vocational/Financial	Employment	24%	76%

\*Domains and Risk Factors Measured are reported in order of predictive strength for reoffending

\*\*Attitude and Family & Social Relationships represent the strongest predictors of future risk for reoffending

**Implication of Needs Report**

The OST scores for medium and high risk offenders can aid localities in identifying and assessing the need for services and community resources. The local probation population in the table above shows the greatest need for resources that target the pro-criminal peer associations and family relationships. Among the risk factors with less predictive strength, the greatest need exists in the Vocational/Financial domain related to employment and financial stability. Agencies will use the OST domain scores to match the criminogenic needs of individual offenders with specific interventions and services proven to reduce future criminal behavior.

**Committee and Advisory Group Work**

DCJS staff continues to participate in an advisory structure in collaboration with VCCJA to inform policy decisions, as well as gather information from the field about establishing evidence-based practices in local criminal justice systems. Seven (7) VCCJA committees continue to make evidence-based practices a priority and share information from the local agency staff,



while DCJS Adult Corrections currently staffs two (2) advisory groups for pretrial services and minimum standards. These committees and advisory groups provide DCJS with accurate and timely information about local criminal justice systems to inform policy decisions and determine statewide training and education programs.

## PTCC SOFTWARE AND COMMUNICATIONS INFRASTRUCTURE

DCJS continued to support the Pretrial and Community Corrections (PTCC) Case Management Information System in FY2012, and provided system enhancements and upgrades to support evidence-based practices. Currently, PTCC serves over 450 users and each user has direct access to the PTCC Help Desk either by telephone or email. The two major projects were the M-OST/OST development and the SQL Server 2008 R2 infrastructure upgrade. The M-OST/OST implementation allowed application testing for the first time, ensuring complete control of the process and quality control. This information will help EBP implementation. In addition, DCJS transitioned to a new help desk support technician without any disruption in service to localities. During FY2012, the PTCC Help Desk processed hundreds of requests for application help and technical assistance. Most requests to the Help Desk were related to technical issues regarding the PTCC software application; including problem fixes, enhancements, database migrations to new servers and providing consultation regarding new equipment purchases. Other requests included networking, hardware compliance concerns, report printing, and other software related issues.

During FY2012, the PTCC support team completed the following special projects:

- Testing and final roll out for M-OST/OST and spell check functions built into PTCC
- Application modifications, internal testing and development and final roll outs for the SQL Server 2008 R2 statewide upgrade
- Three updates to the PTCC application and reporting;
- Over 30 Ad Hoc reports for in-house research/analysis, localities, local agencies, and other outside research/constituent groups;
- Developing enhancements to support the Legal and Evidence-Based Practices initiatives (pretrial related).

## EDUCATION & TRAINING

DCJS continues to provide the Basic Skills training for all employees of localities hired as pretrial services officers or local probation officers. In September of 2011 and January and May of 2012, a total of 53 new local community-based probation and pretrial services employees successfully completed the seven-day Basic Skills course offered by DCJS. Topics included:

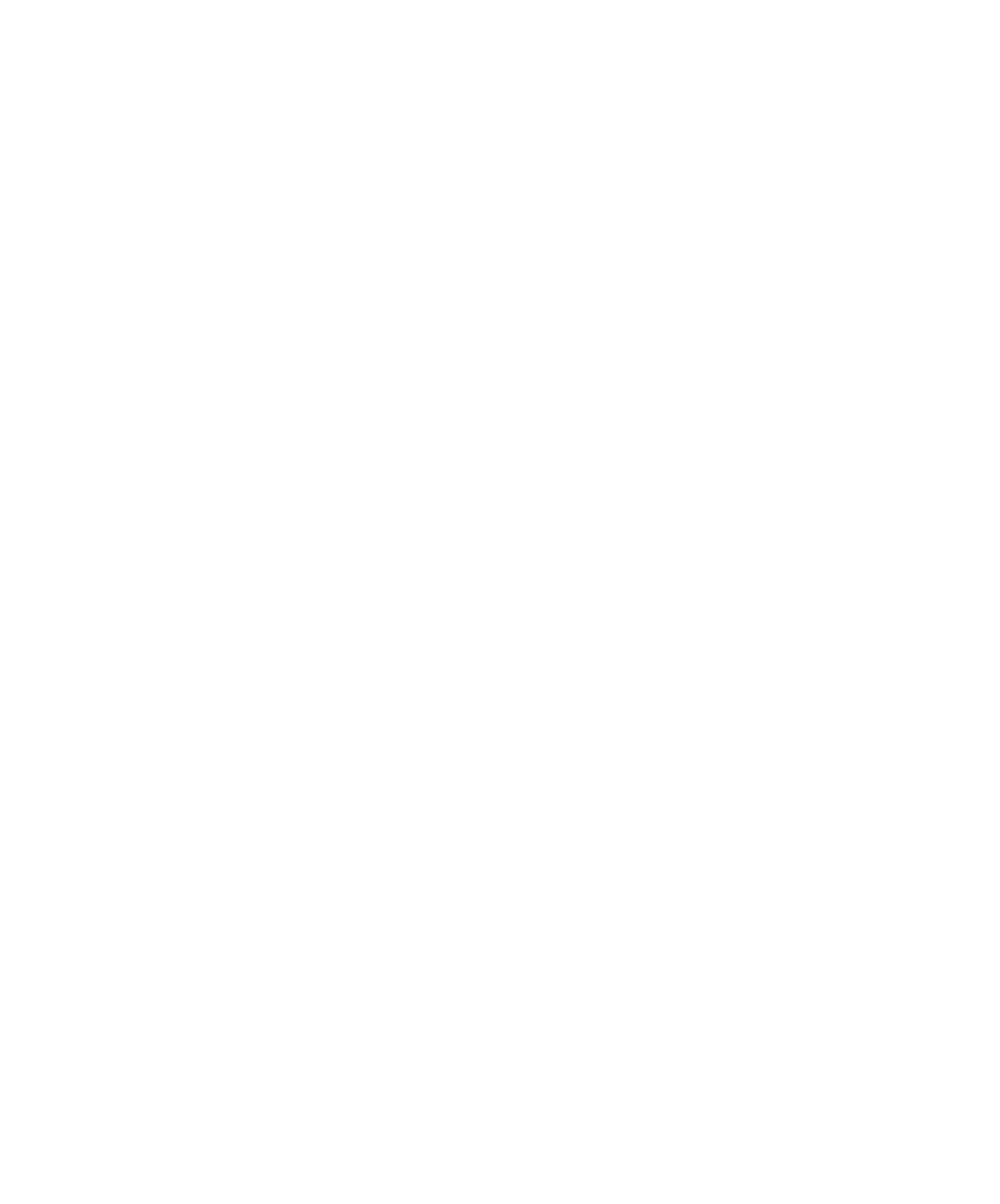
- An Overview of the Criminal Justice System
- Offenders with Substance Abuse Issues
- Crisis Management (De-escalation)
- Supervision Theory
- Standards of Supervision
- Overview of Pretrial Services/Screening/Interviewing
- Offenders with Mental Health Issues
- Liability Issues
- Domestic Violence
- Ethics and Professionalism
- Courtroom Demeanor
- PTCC Toolbox (Pretrial / Community Corrections case management system)
- VCIN certification (2 out of 3 classes)

Additionally, DCJS collaborates with the Virginia Community Criminal Justice Association (VCCCJA) on the additional trainings VCCJA provides to local agency staff. VCCJA held its 15th annual training conference in November 2011, and offered four one-day regional trainings. VCCJA also provided training on effective communication skills, the Modified Offender Screening Tool (M-OST) and the Offender Screening Tool (OST) for local agency line staff and supervisors throughout the state.











Virginia Department of Criminal Justice Services  
1100 Bank Street • Richmond, VA 23219  
[www.dcjs.virginia.gov](http://www.dcjs.virginia.gov)